

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF SANDWICH, DEKALB COUNTY,
ILLINOIS,

Petitioner,

v.

Case No. T 05-0005

BURLINGTON NORTHERN SANTA FE
RAILWAY (BNSF) COMPANY; STATE OF
ILLINOIS DEPARTMENT OF TRANSPOR-
TATION, AND SANDWICH TOWNSHIP,
DEKALB COUNTY, ILLINOIS,

Respondents.

RECEIVED
JUN 23 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for an order of the Illinois
Commerce Commission Authorizing the
establishment of a new grade crossing at
Fairwind Boulevard immediately north of
US Route 34 with the track of Burlington
Northern Santa Fe Railway (BNSF) Company
in the City of Sandwich, DeKalb County,
Illinois, directing thereon the installation of
automatic protection devices and
construction of the crossing proper and
dividing the cost among the parties, and
directing the closure of the existing grade
crossing at Gletty Road with the track of the
Burlington Northern Santa Fe Railway
(BNSF) Company immediately north of US
Route 34 in the City of Sandwich, and
Sandwich Township, DeKalb County, Illinois)
at-grade crossing in the City of Sandwich,
DeKalb County.

**RESPONDENT, BNSF RAILWAY COMPANY'S PROPOSAL
FOR ALLOCATION OF PROJECT COSTS**

Now comes respondent, BNSF Railway Company, formerly known as The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates, and submits its separate proposal for allocation of project costs as follows:

DOCKETED

JUN 23 2005

Simply stated, the petitioner, City of Sandwich, De Kalb County, Illinois should bear 100% of the project costs, including, but not limited to, all costs associated with installation of the crossing surfaces and appropriate warning devices and circuitry at the proposed Fairwinds Boulevard at grade crossing location as well as the cost of removal of such portions of Gletty Road necessary to effect the full and proper closure of the Gletty Road at grade crossing.¹

The evidence in this case clearly establishes that a new at grade crossing at the proposed Fairwinds Boulevard location is made necessary solely by virtue of the City of Sandwich's plan to construct new roadways in conjunction with the City's planned development of approximately 1500 acres of property located both north and south of BNSF's trackage and U.S. Route 34. The only party to benefit from the proposed project is petitioner, City of Sandwich. Indeed, in acknowledgement of the project's significant benefit to petitioner, Mayor Thomas of the City of Sandwich testified that the City is prepared and ready to pay the enter project cost.

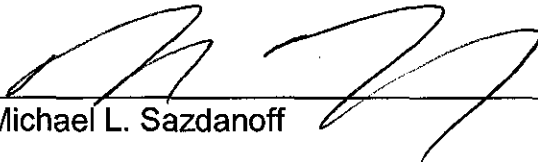
The closure of the Gletty Road at grade crossing and establishment of a new public crossing at Fairwinds Boulevard as proposed by petitioner will provide no benefit to BNSF Railway Company. In fact, the proposed project is detrimental to BNSF's interests. Construction of the Fairwinds Boulevard roadway and crossing and development of the surrounding properties as proposed by the petitioner will only serve to increase vehicular traffic over and across the tracks of BNSF. Additionally, the five lane crossing surface and

¹ BNSF has agreed to remove the Gletty Road at grade crossing surface at its sole cost.

associated warning devices will be substantially more expensive and time consuming for BNSF to maintain as compared to the Gletty Road crossing location.

Pursuant to 92 Illinois Administrative Code, §1536.40(d), the entire cost of the Fairwinds Boulevard at grade crossing installation project must be assessed against petitioner, City of Sandwich. In this case, there is no evidence in the record to support the allocation of any project cost against respondent, BNSF.

Wherefore, should the Illinois Commerce Commission authorize installation of a new public at grade crossing at Fairwinds Boulevard and tracks of BNSF Railway Company in Sandwich, Illinois, 100% of the actual project cost should be assessed against petitioner, City of Sandwich.


Michael L. Sazdanoff

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PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 22 day of JUNE, 2005, he caused to be served, a true and correct copy of **RESPONDENT, BNSF RAILWAY COMPANY'S PROPOSAL FOR ALLOCATION OF PROJECT COSTS** upon:

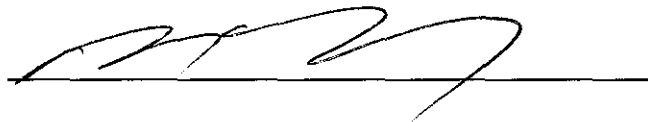
Mr. Bernard Z. Paul
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Mr. Victor Modeer
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Mr. Brian Vercruysse, P.E.
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Special Assistant Attorney General
Illinois Department of Transportation
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by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

A handwritten signature in black ink, appearing to be 'M. Sazdanoff', written over a horizontal line.